

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

Vincent Kiejzo

Defendant

Case No.: 20-CR-40036-TSH

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(a)

The United States of America and the defendant Vincent Kiejzo, through their respective counsel, hereby submit this joint memorandum addressing Local Rule 116.5(a).

As matters are proceeding to the satisfaction of all parties, the government and the defendant Kiejzo request that the status conference scheduled for November 13, 2020 be cancelled and an interim status conference date established approximately 60 days in the future.

I. Local Rule 116.5(a)(1)

On September 10, 2020 and November 12, 2020, the government produced automatic and voluntary, supplemental discovery as required by Fed. R. Crim. P. 16 and Rules 116.1(c) and 116.2 of the Local Rules of the United States District Court for the District of Massachusetts. The government indicated that an additional amount of discovery would be forthcoming, specifically the results of computer forensic analysis of devices seized from the defendant. The government anticipates that this will take at least another 30-45 days to complete.

II. Local Rule 116.5(a)(2)

The government will provide discovery in response to any future request(s) according to the local rules and pursuant to the Federal Criminal Rules of Criminal Procedure, including any supplemental discovery if any additional materials are obtained.

III. Local Rule 116.5(a)(3)

The defendant needs additional time to review the government's automatic discovery (and additional discovery to be produced, including forensic reports) before determining whether it will be necessary to file a request for additional materials.

IV. Local Rule 116.5(a)(4)

The government has filed a motion for a protective order regarding search materials in this case. D. 27.

V. Local Rule 116.5(a)(5)

The parties agree that it is too early to set a motion schedule under Fed. R. Crim. P. 12(b). The parties ask that a motion date under Fed. R. Crim. P. 12(c), if necessary, be set at the next status conference after the defense has had a chance to complete its review of the discovery materials provided by the government during automatic discovery, as well as the additional materials the government has subsequently produced.

VI. Local Rule 116.5(a)(6)

The parties propose that expert disclosures for the government, if any, be due 45 days before trial and that the defendant's expert disclosures, if any, be due 21 days before trial.

VII. Local Rule 116.5(a)(7)

The government and the defendant agree that the period from Kiejzo's first appearance upon his indictment on October 2, 2020 through November 13, 2020, the date set for the initial

status conference, was properly excluded by this Court's order on excludable delay. [D.39]. The government and the defendant further agree that the time period between November 13, 2020, and the next status conference should be excluded because the parties have been and are using the period of the continuance to complete production and review of discovery, and also to explore a non-trial disposition of the case. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

VIII. Local Rule 116.5(a)(8)

The government and the defendant request that an interim status conference date established approximately 60 days in the future to enable the defendant to review discovery and to enable the parties to continue exploring a non-trial disposition of the case.

Respectfully submitted,

Vincent Kiejzo,
By his Attorney

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Date: November 12, 2020

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and by regular mail to the participants who do not receive electronic filing.

/s/ Kristen M. Noto
Kristen M. Noto
Assistant U.S. Attorney

Date: 11/12/2020